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DEPARTMENT OF NATURAL RESOURCES

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April 10, 2019

Tony Welch, Resident Agent
Castle Valley Mining, LLC
P.O. Box 475
Huntington, Utah 84528

Subject: Change in Disturbed Acreage, Castle Valley Mining, LLC, Castle Valley Waste Rock Site, C/015/0036, Task #5882

Dear Mr. Welch:

The Division has reviewed your application. The Division has identified deficiencies that must be addressed before final approval can be granted. The deficiencies are listed as an attachment to this letter.

The deficiencies authors are identified so that your staff can communicate directly with that individual should questions arise. The plans as submitted are denied. Please resubmit the entire application.

If you have any questions, please call me at (801) 538-5350.

Sincerely,

Steve Christensen
Coal Program Manager

SKC/sqs

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Technical Analysis and Findings

Utah Coal Regulatory Program

PID: C0150036
TaskID: 5882
Mine Name: CASTLE VALLEY WASTE ROCK SITE
Title: CHANGE IN DISTURBED ACREAGE

General Contents

Legal Description

Analysis:

The amendment does not meet the State of Utah R645 requirements for Legal Description.

The amendment must provide a Legal Description of the Permit Area. The Legal Description of the Property and the Legal Description of the Permit Area are the same boundaries and are used interchangeably. However, with the proposed change to Permit Area boundary it will no longer match the Property boundary. A Legal Description of the Permit Area must be included that matches the proposed new permit area boundary shown on the maps in the amendment.

Deficiencies Details:

The amendment does not meet the State of Utah R645 requirements for Legal Description. The following deficiency must be addressed prior to final approval:

R645-300-121.120; R645-300-141: A Legal Description of the Permit Area must be included that matches the proposed new permit area boundary shown on the maps in the amendment.

kstorrar

Maps and Plans

Analysis:

The application does/ does not meet the State of Utah R645 requirements for permit area maps, because the disturbed area boundary must encompass the undisturbed ditch on the East side of the waste rock pile and affected area at the toe of the topsoil stockpiles to the South.

The Division notes that the R645-200 Rules define permit area as the disturbed area.

In designating the disturbed area boundary, the Permittee must be mindful of R645-300-141 which requires the Permittee operate only within the area designated as permit area on the maps. Access along the South, East and North side of the stockpile may be necessary to keep the ditch at the base of the pile clear. If that is the case, the North boundary should follow the fence line. Access to the permit area boundary south of the topsoil stockpile is necessary for weed control.

The drainage South of the waste rock site is not in the permit area, but the permit boundary runs adjacent to it. The new disturbed boundary along the topsoil stockpile is irregular in shape and does not appear to follow the topographic lines

of the topsoil stockpile. The Division maintains that the disturbed area boundary and permit area boundary should be the same along the south side of the permit area, because 1) the topo lines suggest the topsoil stockpile extends that far, 2) the wet weather seep drain pipe shown on Plate 5-1 discharges at this location and 3) run-off from the steep sided topsoil stockpiles drains to this low spot as well. During an inspection on 10/22/2018, conducted for the permit transfer review, the tamarisk growing in this location was discussed with the prospective Permittee and noted as a future maintenance item.

Revised plates show permit boundary, disturbed boundary and property boundary lines. Along the East side of the lower (main) access road, the disturbed area boundary is not clearly shown, probably because it coincides with the permit area boundary, but this is not clear.

In addition, the following statement found at the bottom of page 1-6 is not accurate: "The anticipated total acreage to be affected during operations is less than the 36.82 acres surface parcel is included within the permit area."

Deficiencies Details:

The application does not meet the R645-301-521.141, permit area map requirements or the R645-301-121.100 current information requirements. The following deficiency must be addressed prior to final approval:

R645-301-521.141, The disturbed area boundary must include all area affected including the undisturbed ditch on the East side of the Waste Rock site and must enclose all topographic lines associated with the the South topsoil stockpile, extending to the permit boundary in the stockpile location. If the disturbed boundary shown on Plate 5-1 coincides with the permit area boundary in the vicinity of UD5, UD 6 and UD 7, that should be made clear.

R645-301-121.100, Please revise the following statement found at the bottom of page 1-6: "The anticipated total acreage to be affected during operations is less than the 36.82 acres surface parcel is included within the permit area." The statement should clearly indicate that the total disturbed area is 36.82.

pburton

Environmental Resource Information

General

Analysis:

The amendment meets the State of Utah R645-301-411 requirements for general environmental resource information.

This amendment reduces the size of the Castle Valley Waste Rock Site from 49.05 acres to 36.82 acres and does not alter the boundary in a way that would incorporate new land that has not been previously considered in prior permitting. Part of the acreage being removed is a pinyon-juniper vegetative community that provides critical winter range for deer and elk which will no longer be part of the permit area. The remaining permit area includes pinyon-juniper and Gardner saltbush/mat saltbush vegetative communities as well as a small portion of critical winter range for elk and deer, elk bedding grounds, and wildlife trails used by deer and elk.

tmiller

Maps Permit Area Boundary

Analysis:

The application does not meet the State of Utah R645 requirements for Permit Area Boundary Maps.

Several Plates included in this submittal contain information that appears confusing and requires clarification. The specific linework portraying the Disturbed Area Boundaries in Plates 2-1, 5-1, and 5-2 is inexplicably broken up and discontinuous. The Disturbed Area Boundary encompasses the waste rock pile and some of the primary access road, but then disappears and reappears at different intervals along its length. It may be possible that the Permit Boundary line is being substituted for the Disturbed Area Boundary, but that is not made clear. Additionally, the Legend on Plate 2-1 is missing a description for the Disturbed Area Boundary.

Deficiencies Details:

The application does not meet the State of Utah R645 requirements for Permit Area Boundary Maps. The following deficiency must be addressed prior to final approval:

R645-301-121.200, R645-301-521.140: The Permittee must provide illustrative details for all disturbed areas including the entire length of the primary access road. Clarification should be offered in instances where disturbed area boundaries coincide with permit area boundaries on Plates 2-1, 5-1, and 5-2.

Additionally, please provide a description for the Disturbed Area Boundary in the Legend on Plate 2-1.

jeatchel

Operation Plan

Maps Facilities

Analysis:

pburton